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C O N F I D E N T I A L SECTION 01 OF 02 BAGHDAD 003082

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TAGS: [PGOV](#) [IZ](#)  
SUBJECT: PROVINCIAL ELECTIONS LAW PASSES COUNCIL OF  
REPRESENTATIVES

Classified By: Political Minister-Counselor Robert Ford for Reasons 1.4  
(b/d).

Summary  
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¶1. (SBU) The provincial election law passed the Council of Representatives on September 23, after unanimous approval of compromise language on the final sticking point about the eventual election in Kirkuk province. The Council also voted on other items that had been vetoed by the Presidency Council after the original July 22 version of the law had been passed. The election commission has been authorized to set an election date no later than January 31, 2009. The only truly contentious issue concerned the treatment of minorities' seats. The law now moves to the Presidency Council for approval and we anticipate no problems there. Turkey's Special Envoy to Iraq Ozcelik called us September 24 to express his appreciation at the outcome of our common lobbying efforts. End Summary.

Election law comes back from the brink  
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¶2. (SBU) On September 23, the Council of Representatives (CoR) finally passed the long-disputed provincial elections law. The key to passing the law -- which had been earlier passed on July 22, but subsequently vetoed by the Presidency Council -- was to delay elections in Kirkuk governorate. This was effected by Article 24 of the law. The final remaining issue about the Kirkuk election had been who would be responsible for providing money, logistics and security for an independent committee created by the article to examine issues of power-sharing, demography and violations of property rights in Kirkuk province. Although both the Kurds and the Arabs/Turkoman had agreed that the federal government and the local Kirkuk authorities would share these responsibilities, each side had threatened to walk out if the order of their mention was not to their liking (the Kurds insisted on mentioning the local authorities first, the Arabs/Turkoman demanded the reverse).

¶3. (C) As late as September 23 night, it appeared likely that the entire election law would founder on this point. Speaker Mahmoud al-Mashadani told PMIN late September 23 that he was planning to put both versions, along with a third mentioning only the "relevant authorities" ("federal authorities," as the Kurds interpreted the term), to a vote September 24. Since each side had threatened to walk if it didn't get its preferred option, the process appeared headed for shipwreck. PMIN urged Mashadani to keep pressing for a vote on the floor but to keep looking for ways to bring the Kurds and the Sunni Arabs and Turkoman all on board. Fuad Masum, the Kurdish parliament bloc leader, warned PMIN late September evening that if Mashadani pushed unacceptable language, the Kurdish bloc would walk out en masse as they did on July 22. PMIN cautioned that this time the issues involved only small language, and the Kurds should not walk out and hence only aggravate Arab-Kurdish tensions.

¶4. (C) This morning PMIN, working alongside UN SRSG di Mistura, visited Mashadani and persuaded him instead to table a single compromise text put forward by the UN. This text mentioned both federal and Kirkuk authorities providing necessary resources for the Kirkuk commission's work, but put them explicitly on a footing of equality. Having secured Mashadani's assent, PMIN and di Mistura then lobbied Kurdish Deputy Speaker Arif Tayfur and Kurdish bloc leader Fuad Masum, as well as Kurdistan President Barzani's chief of staff Fuad Hussain. Hussain midday confirmed the Kurds would accept the language, while also complaining about how many concessions the Kurds ultimately had made. While di Mistura worked to solidify support with the Sunni Arab hardliners, PMIN touched base with Shia Da'wa floor leader Ali Adeeb, who had both seen the text and confirmed that they liked it. (Comment: Da'wa was important because Sunni Arab hardliners told us September 23 that Prime Minister Maliki was contacting them to urge that they stay tough against the Kurdish-preferred language. End Comment.)

¶5. (SBU) The switches seemed set for success, an impression confirmed when the CoR convened around 1:30 p.m. The atmosphere was merry, and Mashadani opened (with television cameras rolling) by congratulating the CoR for coming to agreement on such difficult issues. Simultaneously, members of the ad hoc Legal/Provincial Affairs Committee that had crafted the new Article 24 held a press conference, congratulating themselves and the CoR for their success. Mashadani invited di Mistura to observe the vote from a seat

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in the front row of the chamber.

¶6. (SBU) When the committee had returned to the chamber Mashadani, in command of a solid quorum, asked them to begin the voting process. Baja al-Ariji, the Sadrist Chairman of the Legal Committee, read the whole of Article 24 out loud, including the compromise language. He then called for a vote, and the article passed unanimously. Al-Ariji then announced that the committee had added a provision to the law, authorizing the Independent Higher Electoral Commission (IHEC) to set an elections date no later than January 31, 2009. This was also approved by an overwhelming majority.

Other items from the veto  
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¶7. (SBU) The committee then read draft language concerning the other articles that had been vetoed by the Presidency Council. These concerned the use of religious symbols and sites in election campaigning, the quota for women in provincial councils, and the quota for minority groups. The first two passed without great incident (although there was some confusion when neither option concerning the first subject received a majority of the votes; it was decided that a plurality would suffice and the use of symbols and sites was thus rejected).

¶8. (SBU) The greatest controversy occurred over the minorities issue. A Christian member objected strongly that, although the law provided protections for Christians and Shabaks, it did not do so for Yazidis. After some heated exchanges, Mashadani decreed that the relevant paragraph would be deleted and IHEC tasked to find an administrative solution. With that, Mashadani declared the provincial elections law to be passed. A beaming di Mistura congratulated lawmakers on the floor as all moved slowly toward the doors. The Christian who had objected remained, speaking angrily.

¶9. (SBU) The next stop for the law is the Presidency Council. Unlike after the July 22 vote, there is no obvious reason to fear a veto, especially given the overwhelming

approval given to the law by the CoR. Still, we will not have a law until it has been approved by the Council and published in the official gazette.

¶10. (SBU) No final version of the law has yet been distributed. We hope to have one September 25 and will forward it to NEA/I as soon as we do.

Turkish Reaction Positive  
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¶11. (C) Turkish Special Envoy Ozcelik called PMIN September 24 afternoon to express his pleasure at the vote. He acknowledged our point that this election law provides substantial safeguards for the eventual Kirkuk provincial election, including the establishment of an independent commission to plan the election, the commission's right to examine demographic changes in the province both before and after March 2003, and the right of the parliament to prepare a special election law for Kirkuk if the commission deems it necessary. Ozcelik noted that the passage of this election law was an example of American and Turkish lobbying for the same outcome, and our sense is that in this case the Turks were helpful.  
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